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Application No.: 09/222,336
Filed: DECEMBER 28, 1998
For: LICENSE MANAGEMENT FOR DIGITAL CONTENT

Enclosed are the following documents: AFTER FINAL RESPONSE

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(Rev. 11/23/97)

Attorney Docket No.: 002541.P009

PATENT

Response pursuant to 37 C.F.R. § 1.116 -- Expedited Procedure
Examining Group 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Story, et al.

Application No: 09/222,336

Filed: December 28, 1998

For: LICENSE MANAGEMENT FOR DIGITAL
CONTENT

Examiner: Y. Retta

Art Unit: 2162

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BOX AF

Commissioner For Patents
Washington, D.C. 20231

05/10/2002 RBROWN1 00000001 022666 09222336

AFTER FINAL RESPONSE

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Dear Sir:

In response to the Final Office Action mailed February 25, 2002, please enter this
amendment and consider the following remarks.

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I. REAL PARTY IN INTEREST

The present U.S. Patent application is assigned to Audible, Inc. of 65 Willowbrook Boulevard, Wyane, New Jersey 07470.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal which will directly affect, be directly affected by, or have a bearing on the Board's decision.

III. STATUS OF THE CLAIMS

Claims 1-8, 10-18 and 20-30 are pending in the present application. Claims 9, 19 and 19 have been canceled during prosecution. Claims 1-8, 10-18 and 20-30 were rejected in the Final Office Action mailed February 25, 2002 and are the subject of this After Final Response.

Claims 1-8, 10-18 and 20-30 were rejected as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Claims 1-8, 10-18 and 20-30 were also rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Claims 1-8, 10-18 and 20-30 were rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 5,969,283 issued to Looney, et al. (*Looney*). Claims 3, 13, 23 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Looney* in view of U.S. Patent o. 5,745,879 issued to Wyman (*Wyman*).

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IV. STATUS OF AMENDMENTS

In response to the Final Office Action mailed February 25, 2002, rejecting claims 1-8, 10-18 and 20-30, Applicants hereby submit this After Final Response. A copy of all claims is attached hereto as Appendix A as a courtesy to the Examiner.

V. SUMMARY OF THE INVENTION

The present invention provides one or more license management devices that manage licenses for playback of digital content. The license management devices create licenses having an associated cardinality that determines the number of playback devices that can be authorized by the license. The license is stored in a set of playback devices, where the number of playback devices in the set is less than or equal to the cardinality of the license. In one embodiment, the license management device causes the license to be stored in the set of playback devices by using one or more digitally signed and/or encrypted commands. See Specification at page 5, lines 13-20.

The license is also included in digital content that the license authorizes for playback. In one embodiment, the license management device causes the license to be included in the digital content; however, content providers or other authorized agents can also cause the license to be included in the digital content. Playback devices that have a license that matches a license included in the digital content are authorized to play the digital content. In one embodiment a single license can be used to provide authorization to play digital content from multiple sources and/or multiple types of content. See Specification at page 5, line 21 to page 6, line 1.

Playback devices can store multiple licenses, which allows playback devices to belong to multiple sets of playback devices authorized to playback various digital content. In one embodiment digital content files can contain multiple licenses to allow the content files to be shared by multiple sets of playback devices. In other words, a content file can be shared by different sets of users because the content contains multiple licenses. See Specification at page 6, lines 1-9.

In one embodiment, a server is coupled to multiple playback devices, including hardware playback devices and players (e.g., software applications running on a computer system), by a network. Any number of hardware playback devices and players can be coupled to servers by a network. See Specification at page 7, lines 1-5. One or more servers operate as a license management device, which creates licenses and determines the cardinality of the licenses created. The license management device communicates with the playback devices and/or players via a network. See Specification at page 11, lines 10-18 and Figure 5.

Licenses created by the license management device can be communicated to content providers. The content providers, in turn, embed a copy of the license into digital content to be provided to the playback devices and/or players. See page 11, lines 19-24. In one embodiment, a license comprises a 32-bit group identifier. See page 12, lines 16-17. When a player or playback device receives digital content, the player or playback device checks to determine whether the license (e.g., a 32-bit group identifier) stored in the content matches the license (e.g., a 32-bit group identifier) stored by the player or playback device. If the licenses match, the payer or playback device is authorized for playback. See Specification at page 12, lines 3-7. The playback device or player can

receive digital content via a network connection with a digital information service or other provider. See Specification at page 8, lines 15-19 and Figure 2.

Each player or playback device can store multiple licenses and license can be added or subtracted according to various techniques. See Specification at page 13 and Figure 6. The cardinality of each license can be any value including, but not limited to, a fixed number, a variable number, or an unlimited number. See Specification at page 14, lines 14-16.

VI. ISSUES PRESENTED

1. Whether claims 1-8, 10-18 and 20-30 contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention.
2. Whether claims 1-8, 10-18 and 20-30 contain subject matter that was not described in such a way as to reasonably convey to one skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.
3. Whether claims 1-8, 10-18 and 20-30 are clearly anticipated by U.S. Patent No. 5,969,283 issued to Looney, et al. (*Looney*).
4. Whether 3, 13, 23 and 25-27 are unpatentable over *Looney* in view of U.S. Patent No. 5,745,879 issue to Wayman (*Wayman*).

VII. GROUPING OF CLAIMS

For purposes of this response:

Claims 1, 2, 4-8, 10-12, 14-18, 20-22, 24 and 28-30 comprise Claim Group I.

Claims 3, 13, 23 and 25-27 comprise Claim Group II.